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on behalf of himself and others similarly situated

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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

DONTE PICOU, on behalf of himself and  
others similarly situated,

Plaintiff,

vs.

TRACY LOGISTICS LLC, an entity of  
unknown form; and DOES 1 through 50,  
inclusive,

Defendants.

Case No. 2:24-cv-00526-TLN-DB

**ORDER GRANTING STIPULATION TO  
CONTINUE HEARING ON DEFENDANT'S  
MOTION TO DISMISS AND/OR STRIKE  
PLAINTIFF'S FIRST AMENDED CLASS  
ACTION COMPLAINT [DKT. #13] TO  
FACILITATE CONFERRAL ABOUT  
POTENTIAL RESOLUTION OF MOTION**

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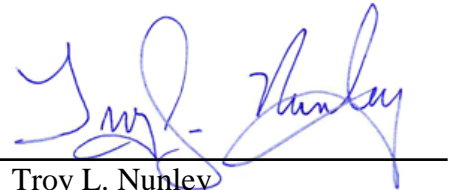
**ORDER**

Having reviewed and considered the Parties' Stipulation to Continue Hearing on Defendant's Motion to Dismiss and/or Strike Plaintiff's First Amended Class Action Complaint [Dkt. #13] to Facilitate Conferral About Potential Resolution of Motion (the "**Stipulation**"), and good cause appearing for the relief requested therein, the Stipulation shall be and hereby is **GRANTED** as follows, using the same defined terms as defined and used in the Stipulation:

1. The hearing on the Motion currently scheduled for April 18, 2024, at 2:00 p.m., shall be and hereby is continued to May 30, 2024 at 2:00 p.m.
2. In order to facilitate the Parties' conferral about potential resolution of the Motion, Plaintiff will provide a proposed Second Amended Complaint ("**Proposed SAC**") to Tracy's counsel on or before March 26, 2024, in which case Plaintiff's deadline to serve and file an Opposition to the Motion will be extended to and including April 16, 2024, and Tracy's deadline to file any Reply to Plaintiff's filed Opposition will be extended to and including May 7, 2024.
3. If Plaintiff does not provide a Proposed SAC to Tracy's counsel on or before March 26, 2024, then Plaintiff's deadline to serve and file an Opposition to the Motion will be extended to and including April 9, 2024, and Tracy's deadline to file any Reply to Plaintiff's filed Opposition will be extended to and including April 23, 2024.
4. By entering into the Stipulation, the Parties do not waive and expressly reserve all rights, claims, defenses, and challenges in this action, including, without limitation, as to arbitration of Plaintiff's and/or putative class members' and/or aggrieved employees' claims and to Plaintiff's FAC and Proposed SAC and/or the claims asserted therein.

**IS SO ORDERED.**

DATED: March 20, 2024

  
Troy L. Nunley  
United States District Judge